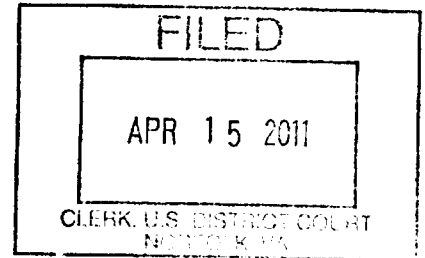


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



BUILDERS MUTUAL INSURANCE  
COMPANY, and

Plaintiff,

v.

Civil Action No. 4:10cv68

PARALLEL DESIGN & DEVELOPMENT  
LLC, and

RICKY L. EDMONDS, and

Defendants.

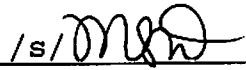
ORDER

The Court currently has pending before it a motion for summary judgment filed by Builders Mutual Insurance Company ("Builders Mutual") which seeks a declaratory judgment from the Court stating that Builders Mutual has no duty to defend or indemnify Parallel Design & Development, LLC ("Parallel"), under various insurance policies issued to Parallel, with respect to an underlying lawsuit brought in the Norfolk Circuit Court against Parallel by Ricky L. Edmonds ("Edmonds"). According to Edmonds' complaint, Parallel used defective drywall in the construction of his home. To support its argument that Edmonds' claims allege damage that is not covered by the policies, Builders Mutual contends, among other arguments, that the pollution exclusions in the applicable insurance policies exclude damage caused by defective drywall.

In a similar case to this one, the Court recently certified a question to the Supreme Court of Virginia on the subject of the legal interpretation of a pollution exclusion. Order of Certification, Nationwide Mut. Ins. Co. v. Overlook, L.L.C., No. 4:10cv69 (E.D. Va. 2011); Docket No. 121. Since an answer to that question will be informative on the reach of the pollution exclusion in this case, the Court holds its decision on the summary judgment motion in **ABEYANCE** and **CONTINUES** the trial of this matter generally, with the trial date to be set at a later date.

The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record.

**IT IS SO ORDERED.**

/s/   
Mark S. Davis  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
April 14, 2011